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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,571	11/21/2001	Jeffrey R. Stoner	STONER RE.	2663

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EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/990,571

Applicant(s)

STONER ET AL.

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 4-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 16, the term “then” should be replaced with –than--.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4-6, 9, 10, 11, 12 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Berkowitz (4,202,451; hereinafter Berkowitz'451). Berkowitz'451 discloses a holder comprising a container (31) having an opening and inside walls (33-36), a cover section (51) releasably openable relative to the container and adapted to cover the opening, a hanger support (14) disposed inside the container and a hanger (11) mountable relative to the support to provide an open region between the hanger and at least one of the inside walls of the container (Figures 1-5). The hanger of Berkowitz'451 is inherently capable of holding an ornament along each securing unit (19). As to claims 5 and 6, Berkowitz'451 discloses the cover section (51) is hingeably/pivotally connected to the container (column 5, lines 9-11). As to claims 9 and 10, Berkowitz'451 discloses the hanger comprises the securing units (19) defined openings spaced

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along the hanger formed by part of the hanger (21-23) which are considered equivalent to the ridges as claimed because the securing units are inherently capable of retaining an ornament. As to claims 11 and 12, the securing units (19) of the hanger of Berkowitz'451 are considered equivalent to a plurality of fingers as claimed because the securing units are inherently capable of retaining an ornament. As to claim 14, Berkowitz'451 discloses the open region between the hanger and the inside wall of the container opposite the opening (Figure 4). As to claim 15, Berkowitz'451 discloses the container comprises a front and a rear (51, 52) and the opening is provided on the front generally opposite the rear of the container to define a depth therebetween. As to claim 16, Berkowitz'451 discloses the hanger comprises a rod having a thickness less than the depth of the container. As to claim 17, Berkowitz'451 discloses the open region between the hanger and the rear of the container when the hanger is mountable on the hanger support.

5. Claims 4-8 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Berkowitz (2,054,764; hereinafter Berkowitz'764). Berkowitz'764 discloses a holder comprising a container (10) having an opening (16) and inside walls (11-13), a cover section (17) releasably openable relative to the container and adapted to cover the opening, a hanger support (24) disposed inside the container and a hanger (25, column 2, line 36) mountable relative to the support to provide an open region between the hanger and at least one of the inside walls of the container (Figures 1-4). The hanger of Berkowitz'764 is inherently capable of holding an ornament. As to claims 5 and 6, Berkowitz'764 discloses the cover section (17) is hingeably/pivotally connected to the container (column 1, lines 53-55). As to claims 7 and 8, Berkowitz'764 discloses a fastener (19', 20, 21) mounted externally to the container to fasten the

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cover section to the container. As to claim 14, Berkowitz'764 discloses the open region between the hanger and the inside wall of the container opposite the opening. As to claim 15, Berkowitz'764 discloses the container comprises a front and a rear and the opening is provided on the front generally opposite the rear of the container to define a depth therebetween (Figure 3). As to claim 16, Berkowitz'764 discloses the hanger comprises a rod having a thickness less than the depth of the container. As to claim 17, Berkowitz'451 discloses the open region between the hanger and the rear of the container when the hanger is mountable on the hanger support.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkowitz (4,202,451; hereinafter Berkowitz'451) in view of Berkowitz (2,054,764; hereinafter Berkowitz'764). Berkowitz'451 discloses a holder comprising a container (31) having an opening and inside walls (33-36), a cover section (51) releasably openable relative to the container and adapted to cover the opening, a hanger support (14) disposed inside the container and a hanger (11) mountable relative to the support to provide an open region between the hanger and at least one of the inside walls of the container (Figures 1-5). Berkowitz'451 fails to show a fastener being mounted externally to the container to fasten the cover section to the

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container. Berkowitz'764 discloses a holder comprising a container (10) having an opening (16) and inside walls (11-13), a cover section (17) releasably openable relative to the container and adapted to cover the opening, and a fastener (19', 20, 21) mounted externally to the container to fasten the cover section to the container. It would have been obvious to one having ordinary skill in the art in view of Berkowitz'764 to modify the container of Berkowitz'451 so it includes a fastener is mounted externally to the container to fasten the cover section to the container for better securing the cover section to the container and for better protecting articles within the container.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berkowitz (4,202,451; hereinafter Berkowitz'451) in view of Betts, Sr. (5,884,784). Berkowitz'451 discloses a holder comprising a container (31) having an opening and inside walls (33-36), a cover section (51) releasably openable relative to the container and adapted to cover the opening, a hanger support (14) disposed inside the container and a hanger (11) mountable relative to the support to provide an open region between the hanger and at least one of the inside walls of the container (Figures 1-5). Berkowitz'451 further discloses the hanger support such as a rail (14) or a tie cord (38). Berkowitz'451 fails to show the hanger support comprises a hook. Betts shows a holder comprising a panel (14) having at least one hanger support (28) comprises a hook for supporting articles. It would have been obvious to one having ordinary skill in the art in view of Betts to modify the hanger support of Berkowitz'451 so the hanger support comprises a hook to facilitate attachment between the hanger and the hanger support and also the selection of the specific hanger support such as a rail or a tie cord or a hook would have been an obvious matter

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of design choice of art recognized equivalent hanger support inasmuch as a number of different ones appear to be suitable and inasmuch as applicant's specification does not state that using these specific features as claimed solves any particular problem or yields any unexpected results.

*Allowable Subject Matter*

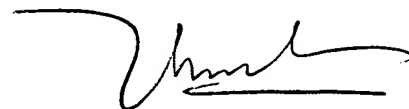
9. Claims 1-3 are allowed.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 305-3580 or (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb  
December 27, 2002



Luan K. Bui  
Primary Examiner